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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

INSPIRION, INC., Chapter 11
Case No. 19-23534 (rdd)

Debtor.

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**APPLICATION FOR ORDER PURSUANT TO SECTIONS 327(e)
AND 328(a) OF THE BANKRUPTCY CODE AUTHORIZING
THE EMPLOYMENT OF SPOLZINO SMITH BUSS & JACOBS, LLP
AS SPECIAL LITIGATION COUNSEL FOR THE DEBTOR**

**TO: THE HONORABLE ROBERT D. DRAIN,
UNITED STATES BANKRUPTCY JUDGE:**

The above-captioned Debtor and Debtor-in-Possession (the "Debtor"), files this application ("Application") seeking entry of an order authorizing the employment of Spolzino Smith Buss & Jacobs LLP as special litigation counsel. In support of its Application, the Debtor respectfully sets forth and alleges as follows:

Jurisdiction

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. §157(b)(2). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409.

2. The statutory basis for relief requested herein is §§327(a) and 328(a) of title 11 of the United States Code, 11 U.S.C. §§101, et seq., as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Bankruptcy Code") and Rules 2014(a) and 6003 of the

Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Background

3. On August 26, 2019, (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. The Debtor has continued in possession of its property and the management of its business affairs as debtor-in-possession pursuant to §§1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or statutory committee has been appointed.

4. The Debtor is a construction company offering general contractor services, construction management services and advisory services since 2010.

5. The Debtor’s intent is to maximize the value of its assets for creditors, to resolve litigation costs that have been draining the Debtor, to undertake cost-cutting measures, and to restructure its affairs for the benefit of the Debtor’s creditors and estate.

Relief Requested

6. The Debtor seeks to retain Spolzino Smith Buss & Jacobs, LLP (“SSBJ”), subject to the approval of this Court, as special litigation counsel in accordance with §§ 327(e) and 328(a) of the Bankruptcy Code, to represent the Debtor.

7. The Debtor believes that the retention of SSBJ with regard to the Debtor’s dispute with one of its subcontractors, Sky Management, Inc. (“Sky”), and a related litigation commenced by Kenneth Hart, is necessary to protect and preserve the Debtor’s estate for the benefit of all of creditors while the Debtor seeks to establish a plan of reorganization.

8. Applicant believes that SSBJ is well qualified to assist it as litigation counsel. Attorneys at SSBJ have extensive construction litigation experience. Subject to the approval of this Court, the professional services that SSBJ will render to the Debtor include, without

limitation, the following:

- a. Prosecute the Debtor's claims against Sky and defend the Debtor against Sky's claims.
- b. Resolve the claims by Hart against the Debtor, including litigation.
- c. Undertake discovery, if appropriate.
- d. Prosecute or defend motions for summary judgment, if appropriate.
- e. Attempt to reach a consensual resolution of all disputes, including potentially through the Court's mediation process.
- f. Represent the Debtor at trial, if necessary.

9. To the best of the Debtor's knowledge, information and belief, the members, counsel, associates and paraprofessionals of SSBJ do not have any connection with the Debtor, its creditors or any other party in interest, or their respective attorneys.

10. The Debtor is satisfied that SSBJ neither represents nor holds any adverse interest to the Debtor, which would preclude it from acting as special litigation counsel to the Debtor in matters upon which it is to be engaged, and that its employment is necessary and would be in the best interests of the Debtor, its creditors and its estate at large.

11. SSBJ is not a pre-petition creditor of the Debtor. The Debtor is satisfied that SSBJ neither represents nor holds any adverse interest to the Debtor, which would preclude it from acting as special litigation counsel to the Debtor in matters upon which it is to be engaged, and that its employment is necessary and would be in the best interests of the Debtor, its creditors and its estate at large.

12. SSBJ will apply to the Court for allowance of compensation and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and Orders of this Court.

13. No previous application for the relief sought herein has been made by the Debtors to this or any other Court.

WHEREFORE, the Debtor respectfully requests the entry of the pre-fixed proposed order authorizing it to employ and retain Spolzino Smith Buss & Jacobs LLP as special litigation counsel in the Chapter 11 case and granting the Application together with such other and further relief as is just and proper.

Dated: Irvington, New York
August 26, 2017

INSPIRION, INC.

/s/ Alen Gershkovich

By: Alen Gershkovich, President